

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALLEN KIRKHAM,

Plaintiff,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:22-cv-00191-JLT-EPG

ORDER RE: STIPULATION OF
DISMISSAL WITH PREJUDICE OF ONLY
DEFENDANTS BALDERRAMA,
PATTERSON, O'DELL,
SENETHAVYSOUK, PARK, PASSMORE,
AND OGLETREE

(ECF No. 21)

On April 19, 2023, the parties filed a stipulation of dismissal. (ECF No. 21). Specifically, the parties state that, on April 17, 2023, Plaintiff and the City of Fresno entered into a settlement agreement containing a term requiring the immediate dismissal with prejudice of Defendants Chief Paco Balderrama, Officer Bryan Patterson, Officer Ritchie O'Dell, Officer Suphanya Senethavysouk, Officer Christopher Park, Officer Brooke Passmore, and Officer Morgan Ogletree. The stipulation of dismissal covers all claims against them and provides for a waiver of all costs, court fees, and attorneys' fees.

In light of the parties' stipulation of dismissal, IT IS ORDERED as follows:

1. The claims against Defendants Chief Paco Balderrama, Officer Bryan Patterson, Officer Ritchie O'Dell, Officer Suphanya Senethavysouk, Officer Christopher Park, Officer Brooke Passmore, and Officer Morgan Ogletree have been dismissed with prejudice and without an award of costs or fees. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

2. The Clerk of Court is directed to terminate only the following Defendants from the docket: Chief Paco Balderrama, Officer Bryan Patterson, Officer Ritchie O'Dell, Officer Suphanya Senethavysouk, Officer Christopher Park, Officer Brooke Passmore, and Officer Morgan Ogletree.
3. Given that the parties have otherwise settled the case (ECF No. 20), the remaining parties are directed to file an appropriate dispositional document with twenty-one days from the entry of this order. *See* LR 160(b).

IT IS SO ORDERED.

Dated: **April 20, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE